

Mark R. Vermeulen [CSBN 115381]
Law Office of Mark R. Vermeulen
755 Florida Street #4
San Francisco, CA 94110.2044
Phone: 415.824.7533
Fax: 415.824.4833
markrvermeulen@gmail.com

Attorney for Defendant
KAROL ERAZO REANOS

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA – SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

KAROL ERAZO REANOS,

Defendant.

No. 19-cr-0381-CRB-2

**SUPPLEMENTAL MEMORANDUM RE:
MOTION FOR RELEASE ON BOND WITH
CONDITIONS**

Date: June 24, 2020
Time: 10:30 a.m.
Courtroom: Hon. Laurel Beeler

Defendant Karol Erazo Reanos (“Ms. Erazo”), through counsel, submits this supplemental memorandum to address two points raised by the Government in its *Opposition to Motion for Release* (Dkt. No. 247; “*Opposition*” of “*Oppos.*”), and to update the continuing climb in the numbers of staff at Santa Rita Jail who are positive for COVID-10.

First, while the Government sometimes distinguishes between the actions of Codefendant Andy Reanos-Moreno and Ms. Erazo, at other times the Government, in relating what Mr. Reanos-Moreno did, seems to imply that those actions also are attributable to Ms. Erazo. They are not. Counsel trusts that the Court will make the appropriate distinctions.

Second, in addressing issues concerning COVID-19 regarding the Santa Rita Jail, where Ms. Erazo is housed, the Government cites to an April 17, 2020 order in the long-standing *Plata* litigation. See *Opposition* at 10:28-11:6 (citing to *Plata, et al. v. Newsom, et al.*, No. 01-cv-1351-JST, Dkt. No. 3291 (N.D. Cal. Apr. 17, 2020)). That order was issued in litigation involving the California Department

of Corrections and Rehabilitation, not the Alameda County Sheriff's Office; efforts undertaken by the former in connection with California's prisons are distinct from any efforts undertaken by the latter in connection with the Santa Rita Jail. Additionally, Judge Tigar makes clear that his analysis in *Plata* is framed by the Eighth Amendment's "deliberate indifference" standard. *See id.* at 14 ("No bright line divides a reasonable response from one that is deliberately indifferent in violation of the Eighth Amendment. ... [T]he Court finds that Plaintiffs have not demonstrated that Defendants' actions have been so deficient as to constitute a violation of the Eighth Amendment.") That standard is irrelevant to the present proceedings.

Finally, in the Motion (Dkt. No. 241), counsel noted the recent development at Santa Rita Jail by which the number of jail staff positive for COVID-19 had begun to rise as of June 14. That has continued apace:

- June 14: Sheriff reported 4 positive staff with 1 active case
- June 15: Sheriff reported 5 positive staff with 2 active cases
- June 16: Sheriff reported 6 positive staff with 3 active cases
- June 17: Sheriff reported 12 positive staff with 9 active cases
- June 18: Sheriff reported 13 positive staff with 12 active cases
- June 19: Sheriff reported 17 positive staff with 14 active cases
- June 20: Sheriff reported 23 positive staff with 20 active cases
- June 21: Sheriff reported 24 positive staff with 21 active cases
- June 22: Sheriff reported 35 positive staff with 32 active cases

See screenshots of Sheriff's *Daily COVID-19 Updates* (totals for June 14 – 17, 2020 are attached as Appendix A to the Motion; totals for June 18 – 22 are attached hereto as Appendix B).

Counsel will address additional points at the hearing.

Dated: June 23, 2020

Respectfully submitted,

/s/

 Mark R. Vermeulen
 Attorney for Defendant
 KAROL ERAZO REANOS

Appendix B

Alameda County Sheriff's Office *Daily COVID-19 Updates*
for Santa Rita Jail for June 18 – 22, 2020

Inmates have and continue to be educated continuously about COVID-19 symptoms and precautions through an educational video and by Wellpath staff. Signs are posted throughout SRJ outlining preventative measures as well as stressing the importance of cleanliness, hygiene, and sanitary practices.

Wellpath and Alameda County Sheriff's Office are segregating asymptomatic, high-risk inmates (e.g., inmates who are 65 and older or with certain comorbidities) in pods apart from the rest of SRJ's inmate population.

DAILY COVID-19 UPDATE FOR JUNE 18, 2020

- SRJ has **three** positive inmate COVID-19 case.
 - 42 formerly positive COVID-19 inmates have completely recovered and are still in custody.
 - Eight formerly positive COVID-19 inmates have recovered and are no longer in custody.
 - Eight inmates who tested positive for COVID-19 were released from custody.
- SRJ has twelve current positive staff/contractor cases. There have been a total of 13 staff/contractor cases of COVID-19 and 3 have recovered.
- SRJ's population update is as follows:
 - SRJ inmate population on March 1, 2020: 2597
 - Today's SRJ inmate population: 1799
- There are 9 red inmates housed in either OPHU, HU8A or HU8C. Red patients include both patients with COVID-19 symptoms awaiting test results and patients with positive COVID-19 results. (For a description of the SRJ patient color coding system please see the Outbreak Control Plan.) Red patients will be released individually from OPHU, HU8A or HU8C when cleared by medical.
- Yellow housing units and/or pods are listed below. Quarantines in these housing units and/or pods will remain in effect until the date listed, which is a date 14 days after the index patient presented with symptoms, or sooner if the index case's test results come back negative.
 - HU 3F, 8B: N/A (These housing units are designated for yellow inmates with known exposure to a COVID-19 positive person; inmates are released from quarantine on individual dates)
 - HU 4A: Release on 6/30
 - HU 7A: Release on 6/28
 - HU 8D, E, F: Release on 6/27
 - HU 21 ALL: Release on 6/27
 - HU 34 ALL: Release on 7/1
 - Note: HU9E released due to negative index case results
- SRJ has 141 orange patients.
- Aggregate Testing Results:
 - 979 tests completed with 896 negative, 61 positive, and 22 pending.

Public Health is notified about all positive COVID-19 results. Please note that medical privacy laws prevent the sharing of private medical information, which includes COVID-19-related information. Accordingly, the County and its medical provider Wellpath cannot share personal health information about inmates with friends and family.

INMATE EDUCATION, ENHANCED CLEANING AND HYGIENE

Wellpath has prepared an educational video regarding COVID-19 to inform and educate inmates about recognizing the signs and symptoms of COVID-19, and best hygiene and cleaning practices for protecting against infection. All inmates are provided with free soap and enhanced cleaning supplies. Further, SRJ has greatly enhanced its cleaning schedule to mitigate the risks presented by COVID-19.

Wellpath and Alameda County Sheriff's Office are segregating asymptomatic, high-risk inmates (e.g., inmates who are 65 and older or with certain comorbidities) in pods apart from the rest of SRJ's inmate population.

- SRJ has two positive inmate COVID-19 case.
 - 42 formerly positive COVID-19 inmates have completely recovered and are still in custody.
 - Eight formerly positive COVID-19 inmates have recovered and are no longer in custody.
 - Nine inmates who tested positive for COVID-19 were released from custody.
- SRJ has 14 current positive staff/contractor cases. There have been a total of 17 staff/contractor cases of COVID-19 and 3 have recovered.
- SRJ's population update is as follows:
 - SRJ inmate population on March 1, 2020: 2597
 - Today's SRJ inmate population: 1805
- There are 8 red inmates housed in either OPHU, HU8A or HU8C. Red patients include both patients with COVID-19 symptoms awaiting test results and patients with positive COVID-19 results. (For a description of the SRJ patient color coding system please see the Outbreak Control Plan.) Red patients will be released individually from OPHU, HU8A or HU8C when cleared by medical.
- Yellow housing units and/or pods are listed below. Quarantines in these housing units and/or pods will remain in effect until the date listed, which is a date 14 days after the index patient presented with symptoms, or sooner if the index case's test results come back negative.
- HU 3F, 8B: N/A (These housing units are designated for yellow inmates with known exposure to a COVID-19 positive person; inmates are released from quarantine on individual dates)
- HU 4A: Release on 6/30
- HU 4C: Release on 7/3
- HU 7A: Release on 6/28
- HU 8D, E, F: Release on 6/27
- HU 21 ALL: Release on 6/27
- HU 34 ALL: Release on 7/1
- SRJ has 146 orange patients.
- Aggregate Testing Results:
 - 1001 tests completed with 917 negative, 61 positive, and 23 pending.

INMATE EDUCATION, ENHANCED CLEANING AND HYGEINE

Dr. Waldura's Instructional Video (English)

inmates are provided masks and encouraged to wear a mask at all times.

Inmates have and continue to be educated continuously about COVID-19 symptoms and precautions through an educational video and by Wellpath staff. Signs are posted throughout SRJ outlining preventative measures as well as stressing the importance of cleanliness, hygiene, and sanitary practices.

Wellpath and Alameda County Sheriff's Office are segregating asymptomatic, high-risk inmates (e.g., inmates who are 65 and older or with certain comorbidities) in pods apart from the rest of SRJ's inmate population.

DAILY COVID-19 UPDATE FOR JUNE 20, 2020

- SRJ has **one** positive inmate COVID-19 case.
 - 44 formerly positive COVID-19 inmates have completely recovered and are still in custody.
 - Eight formerly positive COVID-19 inmates have recovered and are no longer in custody.
 - Nine inmates who tested positive for COVID-19 were released from custody.
- SRJ has 20 current positive staff/contractor cases. There have been a total of 23 staff/contractor cases of COVID-19 and 3 have recovered.
- SRJ's population update is as follows:
 - SRJ inmate population on March 1, 2020: 2597
 - Today's SRJ inmate population: 1797
- There are 4 red inmates housed in either OPHU, HU8A or HU8C. Red patients include both patients with COVID-19 symptoms awaiting test results and patients with positive COVID-19 results. (For a description of the SRJ patient color coding system please see the Outbreak Control Plan.) Red patients will be released individually from OPHU, HU8A or HU8C when cleared by medical.
- Yellow housing units and/or pods are listed below. Quarantines in these housing units and/or pods will remain in effect until the date listed, which is a date 14 days after the index patient presented with symptoms, or sooner if the index case's test results come back negative.
 - HU 3F, 8B: N/A (These housing units are designated for yellow inmates with known exposure to a COVID-19 positive person; inmates are released from quarantine on individual dates)
 - HU 4C: Release on 7/3
 - HU 7A: Release on 6/28
 - HU 8D, E, F: Release on 6/27
 - HU 21 ALL: Release on 6/27
 - HU 24 ALL: Release on 7/4
 - HU 34 ALL: Release on 7/1
 - Note: HU 4A released due to negative index case results.
- SRJ has 156 orange patients.
- Aggregate Testing Results:
 - 1013 tests completed with 931 negative, 62 positive, and 20 pending.

Public Health is notified about all positive COVID-19 results. Please note that medical privacy laws prevent the sharing of private medical information, which includes COVID-19-related information. Accordingly, the County and its medical provider Wellpath cannot share personal health information about inmates with friends and family.

INMATE EDUCATION, ENHANCED CLEANING AND HYGIENE

Wellpath has prepared an educational video regarding COVID-19 to inform and educate inmates about recognizing the signs and symptoms of COVID-19, and best hygiene and cleaning practices for protecting against infection. All inmates are provided with free soap and enhanced cleaning supplies. Further, SRJ has greatly enhanced its cleaning schedule to mitigate the risks presented by COVID-19.

Wellpath and Alameda County Sheriff's Office are segregating asymptomatic, high-risk inmates (e.g., inmates who are 65 and older or with certain comorbidities) in pods apart from the rest of SRJ's inmate population.

DAILY COVID-19 UPDATE FOR JUNE 21, 2020

- SRJ has **zero** positive inmate COVID-19 case.
 - 44 formerly positive COVID-19 inmates have completely recovered and are still in custody.
 - Eight formerly positive COVID-19 inmates have recovered and are no longer in custody.
 - Ten inmates who tested positive for COVID-19 were released from custody.
- SRJ has 21 current positive staff/contractor cases. There have been a total of 24 staff/contractor cases of COVID-19 and 3 have recovered.
- SRJ's population update is as follows:
 - SRJ inmate population on March 1, 2020: 2597
 - Today's SRJ inmate population: 1801
- There are 4 red inmates housed in either OPHU, HU8A or HU8C. Red patients include both patients with COVID-19 symptoms awaiting test results and patients with positive COVID-19 results. (For a description of the SRJ patient color coding system please see the Outbreak Control Plan.) Red patients will be released individually from OPHU, HU8A or HU8C when cleared by medical.
- Yellow housing units and/or pods are listed below. Quarantines in these housing units and/or pods will remain in effect until the date listed, which is a date 14 days after the index patient presented with symptoms, or sooner if the index case's test results come back negative.
 - HU 3F, 8B: N/A (These housing units are designated for yellow inmates with known exposure to a COVID-19 positive person; inmates are released from quarantine on individual dates)
 - HU 4C: Release on 7/3
 - HU 6 ALL: Release on 6/28
 - HU 7A: Release on 6/28
 - HU 8D, E, F: Release on 6/27
 - HU 21 ALL: Release on 6/27
 - HU 24 ALL: Release on 7/4
 - HU 34 ALL: Release on 7/1
- SRJ has 156 orange patients.
- Aggregate Testing Results:
 - 1070 tests completed with 956 negative, 62 positive, and 52 pending.

Public Health is notified about all positive COVID-19 results. Please note that medical privacy laws prevent the sharing of private medical information, which includes COVID-19-related information. Accordingly, the County and its medical provider Wellpath cannot share personal health information about inmates with friends and family.

INMATE EDUCATION, ENHANCED CLEANING AND HYGIENE

Wellpath has prepared an educational video regarding COVID-19 to inform and educate inmates about recognizing the signs and symptoms of COVID-19, and best hygiene and cleaning practices for protecting against infection. All inmates are provided with free soap and enhanced cleaning supplies. Further, SRJ has greatly enhanced its cleaning schedule to mitigate the risks presented by COVID-19.

[Dr. Waldura's Instructional Video \(English\)](#)

affected inmates in accordance with CDC guidelines. All inmates at SRJ are provided masks and encouraged to wear a mask at all times.

Inmates have and continue to be educated continuously about COVID-19 symptoms and precautions through an educational video and by Wellpath staff. Signs are posted throughout SRJ outlining preventative measures as well as stressing the importance of cleanliness, hygiene, and sanitary practices.

Wellpath and Alameda County Sheriff's Office are segregating asymptomatic, high-risk inmates (e.g., inmates who are 65 and older or with certain comorbidities) in pods apart from the rest of SRJ's inmate population.

DAILY COVID-19 UPDATE FOR JUNE 22, 2020

- SRJ has **zero** positive inmate COVID-19 case.
 - 44 formerly positive COVID-19 inmates have completely recovered and are still in custody.
 - Eight formerly positive COVID-19 inmates have recovered and are no longer in custody.
 - Ten inmates who tested positive for COVID-19 were released from custody.
- SRJ has 32 current positive staff/contractor cases. There have been a total of 35 staff/contractor cases of COVID-19 and 3 have recovered.
- SRJ's population update is as follows:
 - SRJ inmate population on March 1, 2020: 2597
 - Today's SRJ inmate population: 1812
- There are 6 red inmates housed in either OPHU, HU8A or HU8C. Red patients include both patients with COVID-19 symptoms awaiting test results and patients with positive COVID-19 results. (For a description of the SRJ patient color coding system please see the Outbreak Control Plan.) Red patients will be released individually from OPHU, HU8A or HU8C when cleared by medical.
- Yellow housing units and/or pods are listed below. Quarantines in these housing units and/or pods will remain in effect until the date listed, which is a date 14 days after the index patient presented with symptoms, or sooner if the index case's test results come back negative.
 - HU 3F, 8B: N/A (These housing units are designated for yellow inmates with known exposure to a COVID-19 positive person; inmates are released from quarantine on individual dates)
 - HU 4C: Release on 7/3
 - HU 6 ALL: Release on 6/28
 - HU 7A: Release on 6/28
 - HU 8 D, E, F: Release on 6/27
 - HU 9A: Release on 7/6
 - HU 21 ALL: Release on 6/27
 - HU 24 ALL: Release on 7/4
 - HU 34 ALL: Release on 7/1
- SRJ has 156 orange patients.
- Aggregate Testing Results:
 - 1070 tests completed with 1006 negative, 62 positive, and 2 pending.

Public Health is notified about all positive COVID-19 results. Please note that medical privacy laws prevent the sharing of private medical information, which includes COVID-19-related information. Accordingly, the County and its medical provider Wellpath cannot share personal health information about inmates with friends and family.

INMATE EDUCATION, ENHANCED CLEANING AND HYGEINE

Wellpath has prepared an educational video regarding COVID-19 to inform and educate inmates about recognizing the signs and symptoms of COVID-19, and best hygiene and cleaning practices for protecting against infection. All inmates are provided with free soap and enhanced cleaning supplies. Further, SRJ has greatly enhanced its cleaning schedule to mitigate the risks presented by COVID-19.